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REMARKS

This is a full and timely response to the outstanding Office Action mailed March 29, 2006. Upon entry of the amendments in this response claims 1-25 are pending. More specifically, claims 1, 7, 8, 14, and 21 are amended. These amendments are specifically described hereinafter.

I. Present Status of Patent Application

Claims 8-25 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter. Claims 1-25 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by *La Pierre* (U.S. Patent No. 5,951,611). These rejections are respectfully traversed.

II. Rejections Under 35 U.S.C. §101

Claims 8-25 are rejected under 35 U.S.C. 101 as allegedly directed to non-statutory subject matter.

A. Claims 8-13

Claims 8-13 stand rejected under 35 U.S.C. §101 as allegedly not being limited to tangible embodiments. In an effort to address the Examiner's concerns, claim 8 has been amended to claim a computer readable medium that is executable on a computer. In view of this amendment, Applicant respectfully requests that the rejection of claims 8-13 be withdrawn.

B. Claim 14

Claim 14 stands rejected under 35 U.S.C. §101 as being non-statutory because it is allegedly not tangibly embodied. The Office Action asserts that "'module configured'... is not of statutory subject matter. A module configured to perform a method is merely a software arrangement." However, a module, in some non-limiting embodiments, may be a "black box" of hardware components configured to perform the claimed function. Therefore, the claims

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modules are physical "things," and are statutory under 35 U.S.C. §101. Applicant respectfully requests that the rejection to claim 14 be withdrawn.

C. Claims 17 and 23-25

Claims 17 and 23-25 are rejected under 35 U.S.C. §101 as being non-statutory because a "database" is allegedly not of statutory subject matter. The Office Action refers Applicant to the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility (hereinafter "Guidelines"). These Guidelines state that if a computer program (or database structure) is being claimed as part of an otherwise statutory machine, the claim remains statutory irrespective of the fact that a computer program is included in the claim. See Guidelines, pg. 53. Therefore, since independent claim 14 from which claims 17 and 23-25 depend claims statutory subject matter, Applicant respectfully submits that claims 17 and 23-25 are statutory and the rejection under 35 U.S.C. §101 should be withdrawn.

III. Rejections Under 35 U.S.C. §102(b)

A. Claims 1-7

The Office Action rejects claims 1-7 under 35 U.S.C. §102(b) as allegedly being anticipated by *La Pierre* (U.S. Patent No. 5,951,611). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 as amended recites:

1. A method for providing automated diagnosis of problems for a computer network, comprising:

identifying recent configuration changes made to the computer network that fall within pre-established parameters;

ranking the identified changes into potential causes;

verifying ranked potential causes to determine whether any of the ranked potential causes may be an actual cause or contributor to the problem; and

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calculating distances associated with the ranked potential causes that correspond to a relative likelihood that potential causes may be a true cause.
(Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *La Pierre* does not disclose, teach, or suggest at least **identifying recent configuration changes made to the computer network that fall within pre-established parameters**. Even if *La Pierre* discloses identifying changes made to a vehicle's electrical system, it fails to disclose identifying changes to a computer network. Therefore, *La Pierre* does not anticipate independent claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited references of record, dependent claims 2-7 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-7 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-7 are patentable over *La Pierre*, the rejection to claims 2-7 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-7 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 2-7 are allowable.

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B. Claims 8-13

The Office Action rejects claims 8-13 under 35 U.S.C. §102(b) as allegedly being anticipated by *La Pierre* (U.S. Patent No. 5,951,611). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 8 as amended recites:

8. A computer-readable medium executable on a computer having a program for providing automated diagnosis of problems for a computer network, for performing the steps of:
- logic configured to identify recent configuration changes made to the computer network that fall within pre-established parameters;*
 - logic configured to rank the identified changes into potential causes;
 - logic configured to verify ranked potential causes to determine whether any of the ranked potential causes may be an actual cause or contributor to the problem; and
 - logic configured to calculate distances associated with the ranked potential causes that correspond to a relative likelihood that potential causes may be a true cause.
- (Emphasis added).

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 8 as amended is allowable for at least the reason that *La Pierre* does not disclose, teach, or suggest at least **logic configured to identify recent configuration changes made to the computer network that fall within pre-established parameters**. Even if *La Pierre* discloses identifying changes made to a vehicle's electrical system, it fails to disclose identifying changes to a computer network. Therefore, *La Pierre* does not anticipate independent claim 8, and the rejection should be withdrawn.

Because independent claim 8 as amended is allowable over the cited references of record, dependent claims 9-13 (which depend from independent claim 8) are allowable as a matter of law for at least the reason that dependent claims 9-13 contain all the steps/features of independent

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claim 8. Therefore, since dependent claims 9-13 are patentable over *La Pierre*, the rejection to claims 9-13 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 8, dependent claims 9-13 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 9-13 are allowable.

C. Claims 14-25

The Office Action rejects claims 14-25 under 35 U.S.C. §102(b) as allegedly being anticipated by *La Pierre* (U.S. Patent No. 5,951,611). For at least the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 14 as amended recites:

14. A system for providing automated diagnosis of problems for a computer network, comprising:

a central diagnosis engine configured to include:

a rank estimator module configured to rank identified changes into potential causes;

a verifier module configured to verify ranked potential causes to determine whether any of the ranked potential causes may be an actual cause or contributor to the problem; and

a distance estimator module configured to calculate distances associated with the ranked potential causes that correspond to a relative likelihood that potential causes may be a true cause; and

an adaptive logger operative coupled to the central diagnosis engine, the adaptive logger is configured to record policy or configuration changes made to the computer network that fall within pre-established parameters.

(Emphasis added).

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For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue.

Applicant respectfully submits that independent claim 14 as amended is allowable for at least the reason that *La Pierre* does not disclose, teach, or suggest at least **an adaptive logger operative coupled to the central diagnosis engine, the adaptive logger is configured to record policy or configuration changes made to the computer network that fall within pre-established parameters**. Even if *La Pierre* discloses identifying changes made to a vehicle's electrical system, it fails to disclose identifying changes to a computer network. Therefore, *La Pierre* does not anticipate independent claim 14, and the rejection should be withdrawn.

Because independent claim 14 as amended is allowable over the cited references of record, dependent claims 15-25 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that dependent claims 15-25 contain all the steps/features of independent claim 14. Therefore, since dependent claims 15-25 are patentable over *La Pierre*, the rejection to claims 15-25 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 14, dependent claims 15-25 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why dependent claims 15-25 are allowable.

IV. Miscellaneous Issues

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

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CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-25 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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